1973. No. 326 [C]

TOWN AND COUNTRY PLANNING

Planning (General Development) Order (Northern Ireland) 1973

ORDER, DATED 14TH SEPTEMBER 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER ARTICLES 13, 14, 16, 22, 23, 24, 67, 70 AND 106 OF THE PLANNING (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Development, on behalf of the Secretary of State, and in exercise of the powers conferred upon it by Articles 13, 14, 16, 22, 23, 24, 67, 70 and 106 of the Planning (Northern Ireland) Order 1972(a) hereby makes the following order:—

Application, citation and commencement

1.—(1) This order shall apply to all land in Northern Ireland:

Provided that if a special development order is made as to any land this order shall apply thereto to such an extent only and subject to such modifications as may be specified in the special order.

(2) Nothing in this order shall apply to any permission which is deemed to be granted under Article 41(5) of the 1972 Order.

(3) This order may be cited as the Planning (General Development) Order (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2. In this order unless the context otherwise requires—

"the 1972 Order" means the Planning (Northern Ireland) Order 1972;

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft;

"agricultural land" has the meaning assigned to it in the Agriculture Act (Northern Ireland) 1949(b);

"agricultural unit" means land which is occupied as a unit for agricultural purposes including any dwellinghouse or other building occupied by the same person for the purpose of farming the land;

"betting office" means any premises in respect of which there is in force a bookmaking office licence under the Betting and Lotteries Act (Northern Ireland) 1957(c);

"building" does not include plant or machinery or a structure or erection of the nature of plant or machinery, and in Schedule 1 does not include any gate, fence, wall or other means of enclosure, but except as aforesaid includes any structure or erection and any part of a building as so defined;

"caravan" and "caravan site" have the meanings respectively assigned to them by the Caravans Act (Northern Ireland) 1963(d);

"class" in relation to a road and "trunk road" have the same meanings as in the Roads Act (Northern Ireland) 1948(e);

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building; and for this purpose "flat" means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

(a) S.I. 1972. No. 1634 (N.I. 17).
(b) 1949. c. 2.
(c) 1957. c. 19.
(d) 1963. c. 17 (N.I.).
(e) 1948. c. 28.

"landscaping" means the treatment of land (other than buildings) being the site or part of the site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, planting of trees, hedges, shrubs or grass, formation of banks, terraces or other earthworks, laying out of gardens or courts, and other amenity features;

"launderette" includes any building used for the purpose of washing or cleaning clothes or fabrics in coin-operated machines;

"mining undertakers" means undertakers engaged in the winning or working of minerals, whether by underground or surface working;

"office" includes a bank and premises occupied by an estate agency, building society or employment agency or (for office purposes only) for the business of car hire or driving instruction but does not include a post office or betting office;

"operational land" in relation to the undertakers specified in Class 11 of Schedule 1, means

(*a*) land which is used for the purpose of carrying on their undertaking; and

(*b*) land in which an interest is held for that purpose,

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of those undertakings:

Provided that where an interest in land is held by such undertakers for the purpose of carrying on their undertaking and—

(*a*) the interest was acquired by them on or after 1st October 1973; or

(*b*) it was held by them immediately before that date but the circumstances at that date were such that the land did not fall to be treated as operational land had this order applied to it,

that land shall not be treated as operational land unless there is in force with respect to the land a planning permission granted on an application made in that behalf under Part IV of the 1972 Order for its development and that development, if carried out, would involve the use of the land for the purpose of the carrying on of the undertaking.

"original" means, in relation to a building existing on 1st October 1973, as existing on that date; and in relation to a building built on or after that date, as so built;

"outline planning permission" means a planning permission for the erection of a building which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the Ministry with respect to one or more reserved matters;

"painting" includes any application of colour;

"post office" does not include any building used primarily for the sorting or preparation for delivery of mail or for the purposes of Post Office administration;

"private way" means a way or footpath which is not a public road or any part thereof;

"public vehicle" means a public service vehicle, excluding a taxi, which has the meaning assigned to it by section 190 of the Road Traffic Act (Northern Ireland) 1970(f);

"reserved matters" in relation to an outline planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building to which the planning permission or the application relates, or the means of access to the building, or the landscaping of the site in respect of which the application was made;

"shop" means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, undertaker, travel agency or post office or for the reception of goods to be washed, cleaned, or repaired, or for any other purpose appropriate to a shopping area, but does not include a building used as a funfair, amusement arcade, pin table saloon, garage, launderette, petrol filling station, office, betting office, hotel, restaurant, snackbar or café or premises licensed for the sale of intoxicating liquors for consumption on the premises;

"special road" means a road designated as a special road under section 1 of the Special Roads Act (Northern Ireland) 1963(g);

"unadopted street" means a street other than a public road.

Permitted development

3.—(1) Subject to the subsequent provisions of this order, development of any class specified in Schedule 1 is permitted by this order and may be undertaken upon land to which this order applies without the permission of the Ministry:

Provided that the permission granted by this order in respect of any such class of development shall be defined by any limitation and subject to any condition imposed in Schedule 1 in relation to that class.

(2) Nothing in this Article or in Schedule 1 shall operate so as to permit any development contrary to a condition imposed in any permission granted under Part IV of the 1972 Order otherwise than by this order.

(3) Any development of Class 9 authorised by an Act or order subject to the grant of any consent or approval shall not be deemed for the purposes of this order to be so authorised unless and until that consent or approval is obtained.

Directions restricting permitted development

4.—(1) If the Ministry is satisfied, after consultation with the appropriate district council, that it is expedient that development of any of the classes specified in Schedule 1 should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out unless permission is granted on an application in that behalf, the Ministry may direct that permission granted by Article 3 shall not apply to:—

(*a*) all or any development of all or any of those classes in any particular area specified in the direction, or

(*b*) any particular development specified in the direction falling within any of those classes:

(f) 1970. c. 2 (N.I.). (g) 1963. c. 12 (N.I.).

Provided that no such direction shall have effect in relation to any development of Class 9.

(2) Subject to the provisions of paragraph (3) notice of any direction made under this Article shall be served by the Ministry on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or if there is no occupier, on the owner thereof.

(3) Where in the case of any direction specifying any particular area given under paragraph 1(*a*), the Ministry is of the opinion that having regard to the number of persons interested in the land as owners or occupiers, or the difficulty of identifying and locating such persons, individual service in accordance with the provisions of paragraph (2) is impracticable, it shall publish notice of such direction in at least one newspaper circulating in the locality in which the area is situate and such notice shall contain a concise statement of the effect of the direction and name a place where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(4) No direction given or having effect under this Article shall have effect in relation to the carrying out in case of emergency of any development specified in Schedule 1 or, unless such direction specifically so provides, to the carrying out by statutory or other undertakers of any of the following operations:—

(*a*) maintenance of bridges, buildings and railway stations;

(*b*) alteration and maintenance of railway track and provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;

(*c*) maintenance of docks, harbours, quays and wharves;

(*d*) provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;

(*e*) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;

(*f*) maintenance of buildings, runways, taxiways or aprons at an aerodrome;

(*g*) provision, alteration and maintenance of equipment, apparatus and works at an aerodrome required in connection with the movement of traffic by air (but excepting buildings, the construction, erection, reconstruction or alteration of which is permitted by paragraph G of Class 11 of Schedule 1).

Applications for planning permission

5.—(1) Subject to paragraphs (2) to (4), an application for planning permission shall be made on a form issued by the Ministry, and shall include the particulars required by such form to be supplied and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application together with such additional number of copies of the forms and plans as the Ministry requires: and the Ministry may require the applicant to give to it such further information as it may specify to enable it to determine the application.

(2) An application may be made for outline planning permission for the erection of a building and, where such permission is granted, the subsequent approval of the Ministry shall be required to those matters (being reserved matters as defined) in respect of which details have not been given in the application and which are reserved by condition. The application shall be made on a form, as required by the preceding paragraph, shall describe the development to which it relates, shall be accompanied by a plan sufficient to identify the land to which it relates (together with such additional copies of the form and plan as the Ministry may require) and may contain such further information (if any) as to the proposal as the applicant desires:

Provided that, where the Ministry is of the opinion that in the circumstances of the case the application ought not to be considered separately from the siting or the design or the external appearance of the building, or the means of access thereto, or the landscaping of the site, it may require the applicant to give to it such further information as it may specify to enable it to determine the application.

(3) Where a planning permission has previously been granted for development and that development has not yet been commenced, and where a time limit imposed by or under Article 25 or Article 26 of the 1972 Order or paragraph 5 or paragraph 6 of Schedule 5 to the 1972 Order (that is to say, a time limit on the commencement of the development or, in the case of an outline planning permission, on the submission of an application for the approval of reserved matters) has not yet expired, an application may be made for planning permission for the same development without complying with paragraphs (1) and (2); such application shall be in writing and shall give sufficient information to enable the Ministry to identify the previous grant of planning permission. Where the Ministry is of the opinion that further information is necessary to enable it to deal with the application it may require the applicant to submit such information, plans or drawings as it may specify.

(4) The prescribed fee for the purposes of Article 14(1)(*c*) of the 1972 Order shall be £2.

Applications for approval of reserved matters

6. An application to the Ministry for approval of reserved matters shall be in writing, shall give particulars sufficient to identify the outline planning permission in respect of which it is made and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission together with such additional copies of the application and plans and drawings as the Ministry may require.

General provisions relating to applications

7.—(1) The period within which the Ministry shall give notice to an applicant of its decision or that Article 22 of the 1972 Order has been applied to the application shall be two months from the date of receipt of the application or such extended period as may be agreed in writing between the applicant and the Ministry at any time.

(2) Every such notice shall be in writing and where the Ministry decides to grant permission or approval subject to conditions or to refuse it, the notice shall state the reasons for the decision.

Certificates and notices under Article 16 of the 1972 Order

8. Certificates and notices issued for the purposes of Article 16 of the 1972 Order shall be in the forms set out in Schedule 2.

Consultation as to applications for permission

9. Before deciding any application for planning permission, the Ministry shall consult the district council for the area in which the land to which the application relates is situated and shall, in determining the application, take into account any representations received from the district council.

Major planning applications under Article 22 of the 1972 Order

10. The notice to be served on an applicant for planning permission informing him that Article 22 of the 1972 Order has been applied to his application shall be in the form set out in Schedule 3.

Appeals

11. The prescribed fee for the purpose of Article 23(3)(*b*) of the 1972 Order shall be £2.

Claims for compensation and purchase notices

12.—(1) A claim for compensation made to the Ministry under Article 67 of the 1972 Order, or a purchase notice, shall be in writing.

(2) The time within which any such claim or notice shall be served shall be 6 months from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Ministry may allow in any particular case.

Power to suspend local Acts, etc.

13. Subject to the provisions of the 1972 Order, the Ministry may, for the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with a development plan, by order suspend the operation of any enactment contained in a local Act or of any regulations, orders or bye-laws made at any time under any statutory provision.

Construction

14. Articles 5 to 12 of this order shall be the regulations for the purposes of Articles 14, 16, 22, 23, 24, 67 and 70 of the 1972 Order.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 14th day of September 1973.

(L.S.)

L. V. D. Calvert,
Deputy Secretary.

SCHEDULE 1 *Article* 3

Development permitted under Article 3

Class 1—Development within the curtilage of a dwellinghouse

(1) The enlargement, improvement or other alteration of a dwellinghouse so long as:

(*a*) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or one-tenth, whichever is the greater, subject to a maximum of 115 cubic metres;

(*b*) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;

(*c*) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse, which fronts on a road;

(*d*) the design and external finishes are in conformity with those of the original dwellinghouse:

Provided that the erection of a garage within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission, including the calculation of cubic contents.

(2) The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse of any building or enclosure (other than a dwelling or garage) required for a purpose incidental to the enjoyment of the dwellinghouse as such, excluding the keeping of pigeons, so long as:

(*a*) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road;

(*b*) the height does not exceed, in the case of a building with a ridged roof, 4 metres, or in any other case 3 metres;

(*c*) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed one half of the total area of the curtilage excluding the ground area of the original dwellinghouse.

(3) The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating so long as:

(*a*) the capacity of the tank does not exceed 3,500 litres;

(*b*) no part of the tank is more than 3 metres above the level of the ground;

(*c*) no part of the tank projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road.

Class 2—Sundry minor operations

(1) The erection or construction of gates, fences, walls or other means of enclosure not exceeding 1 metre in height where abutting on a road or 2 metres in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure, so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.

(2) The formation, laying out and construction of a means of access to a road only where required in connection with development permitted by Article 3 of and Schedule 1 to this order.

(3) The painting of the exterior of any building or work otherwise than for the purpose of advertisement, announcement or direction.

Class 3—Changes of use

Development consisting of a change of use to:—

(*a*) use as a light industrial building as defined by the Planning (Use Classes) Order (Northern Ireland) 1973(**h**) from use as a general industrial building as so defined;

(*b*) use as a shop for any purpose included in Class 1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 1973 from use as:—

(i) a shop for the sale of hot food;

(ii) a shop for the sale of pet animals or birds;

(iii) a shop for the sale of motor vehicles.

Class 4—Temporary buildings and uses

(1) The erection or construction on land in, on, over or under which operations, other than mining operations, are being or are about to be carried out (being operations for which planning permission has been granted under Part IV of the 1972 Order, or for which planning permission is not required) or on land adjoining such land, of buildings, works, plant or machinery needed temporarily in connection with the said operations, for the period of such operations, subject to the condition that such buildings, works, plant or machinery shall be removed at the expiration of the period of such operations and where they were sited on any such adjoining land, that land shall be forthwith reinstated.

(2) The use of land (other than a building or the curtilage of a building) for any purpose except as a caravan site or as a site for a circus or funfair on not more than 28 days in total in any calendar year (of which not more than 14 days in total may be devoted to use for the purpose of motor car or motor cycle racing or for the purpose of the holding of markets) and the erection or placing of moveable structures on the land for the purposes of that use, provided that for the purpose of the limitation imposed on the number of days for which the land may be used for motor car or motor cycle racing account shall be taken only of those days on which races are held or practising takes place.

Class 5—Agricultural buildings, works and uses

(1) The carrying out on agricultural land having an area of more than one half of a hectare and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture, (other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings) so long as:

(*a*) the nearest part of any building erected pursuant to this permission is:—

(i) not more than 75 metres from the nearest part of a group of principal farm buildings; and

(ii) where the said building is over 300 square metres in ground area, not less than 75 metres from a dwelling-house (other than the dwelling-house of any person engaged in agricultural operations on the said unit);

(*b*) the ground area covered by any building erected pursuant to this permission, other than a building to which sub-paragraph (*a*) applies, does not, either by itself or after the addition thereto of the ground area covered by any existing building or buildings (other than a dwelling-house) within the same unit erected or in course of erection within the preceding two years and wholly or partly within 75 metres of the nearest part of the said building, exceed 300 square metres;

(*c*) the height of any buildings or works does not exceed 3 metres in the case of a building or works within 3 kilometres of the perimeter of an aerodrome, nor 12 metres in any other case;

(**h**) S.R. & O. (N.I.) 1973, No. 263.

(*d*) no part of any buildings (other than moveable structures) or works is within 24 metres from the nearest part of a special road, or within 24 metres from the middle of a trunk or a first- or second-class road or 9 metres from the middle of other classes of road.

(2) The erection or construction and the maintenance, improvement or other alteration of roadside stands for milk churns.

(3) The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including

(*a*) the fertilisation of the land so used; and

(*b*) the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid.

Class 6—Forestry buildings and works

The carrying out on land for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land, so long as:—

(*a*) the height of any buildings or works within 3 kilometres of the perimeter of an aerodrome does not exceed 3 metres;

(*b*) no part of any buildings (other than moveable structures) or works is within 24 metres from the nearest part of a special road, or within 24 metres from the middle of a trunk or a first- or second-class road or 9 metres from the middle of other classes of road.

Class 7—Repairs to unadopted streets and private ways

The carrying out of works required for the maintenance or improvement of an unadopted street or private way, being works carried out on land within the boundaries of the street or way.

Class 8—Repairs to services

The carrying out of any works for the purpose of inspecting, repairing or renewing mains, pipes, cables, or other apparatus, including the breaking open of any land for that purpose.

Class 9—Development under local or private Acts, or orders

Development authorised by any local or private Act of Parliament or by any order approved by both Houses of Parliament, being an Act or order which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out:

Provided that where the development consists of or includes the erection, construction, alteration or extension of any building (which expression shall include any bridge, aqueduct, pier or dam, but not any other structure or erection), this permission shall be exercisable only if the prior approval of the Ministry is obtained for the detailed plans of the works.

Class 10—Development by district councils

The erection or construction and the maintenance, improvement or other alteration by a district council of:—

(*a*) such small ancillary buildings, works and equipment as are required on land belonging to or maintained by them for the purposes of any functions exercised by them on that land;

(*b*) lamp standards, information kiosks, public shelters and seats, public drinking fountains, refuse bins or baskets, barriers for the control of pedestrians and other similar structures or works.

Class 11—Development by statutory and other undertakers

A. Railway undertakings

Development by the undertakers of operational land of the undertaking, being development which is required in connection with the movement of traffic by rail, other than:—

(*a*) the construction of railways;

(*b*) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of—

(i) any railway station or bridge;

(ii) any residential building, office, or building to be used for manufacturing or repairing work which is not situate wholly within the interior of a railway station.

B. Dock, pier, harbour, or water transport undertakings

Development by the undertakers or their lessees of operational land of the undertaking, being development which is required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock, or goods at a dock, pier or harbour, or the movement of traffic by any railway forming part of the undertaking other than the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof of any bridge or other building not required in connection with the handling of traffic.

C. Gas undertakings

Development required for the purposes of the undertaking of any of the following descriptions:—

(*a*) the laying underground of mains, pipes or other apparatus;

(*b*) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure flow or volume of gas and structures for housing such apparatus not exceeding (except when constructed underground) 30 cubic metres in capacity;

(*c*) any other development carried out in, on, over or under operational land of the undertaking except:—

(i) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;

(ii) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable, without addition, of being extended to a height exceeding 15 metres;

(iii) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

D. Electricity undertakings

Development required for the purposes of the undertaking of any of the following descriptions:—

(*a*) the laying underground of pipes, cables, or any other apparatus and the construction of such shafts and tunnnels as may be necessary in connection therewith;

(*b*) the installation in an electric line of:—

(i) feeder or service pillars; or

(ii) sub-stations enclosed in a chamber not exceeding 40 cubic metres in capacity; or

(iii) sub-stations enclosed in an underground chamber;

(*c*) the installation of overhead service lines not exceeding 100 metres in length in pursuance of any statutory obligation to provide a supply of electricity;

(*d*) any other development carried out, on, in or under the operational land of the undertaking except:—

(i) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings; or

(ii) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 18 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

E. Road passenger transport undertakings

Development required for the purposes of the undertaking of any of the following descriptions:—

(*a*) the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public vehicles;

(*b*) the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of persons waiting to enter public vehicles;

(*c*) any other development of operational land of the undertaking other than:—

(i) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;

(ii) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

F. Lighthouse undertakings

Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894(i) and any other statutory provisions made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers, or duties acquired by usage prior to that Act, except the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of offices.

G. Aerodrome undertakings

Development of operational land of the undertaking, being development which is required in connection with the provision by the undertaker of services and facilities necessary or desirable for the operation of an aerodrome, other than:—

(*a*) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of any building (not being a building required in connection with the movement or maintenance of aircraft); and

(*b*) the construction or extension of runways.

Class 12—Development by the Post Office

Development required for the purposes of the Post Office of any of the following descriptions:—

(*a*) the installation of public call offices (telephone kiosks), posting boxes or self-service postal machines;

(i) 57 & 58 Vict. c. 60.

(*b*) the use of land in case of emergency for the stationing and operation of moveable apparatus required for the replacement of telephone exchanges, telephone repeater stations and radio stations and generators which have become unserviceable, for a period not exceeding six months subject to the condition that at the expiration of the period of use all such apparatus shall be removed and the land shall be restored to its condition before the development took place;

(*c*) any other development carried out in, on, over or under the operational land of the Post Office except:—

(i) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;

(ii) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

For the purpose of this Class "operational land" means land of the Post Office used by it or in which an interest is held by it for any of the following purposes:—

(*a*) a postal sorting office;

(*b*) a postmen's delivery office;

(*c*) the housing or supporting of apparatus used for the operation of the Post Office telecommunications services excluding therefrom the storage of such apparatus where such storage is the only purpose.

Class 13—*Development by mining undertakers*

The winning and working of minerals by surface working during a period of one year from 1st October 1973 on land in respect of which such development was permitted immediately prior to that date under Paragraph 5 of the Schedule to the Planning (General Interim Development) Order (Northern Ireland) 1944(j) and which adjoins land used at that date for the same purpose (otherwise than in breach of planning control) where in relation to that use such winning and working forms a continuous operation.

Class 14—*Use as a caravan site*

The use of land, other than a building, as a caravan site in any of the circumstances specified in paragraphs 2 and 3 and 6 to 9 of the Schedule to the Caravans Act (Northern Ireland) 1963 or in the circumstances (other than those relating to winter quarters) specified in paragraph 10 of the said Schedule subject to the condition that the use shall be discontinued when the said circumstances cease to exist, and all caravans on the site shall then be removed.

(j) S.R. & O. (N.I.) 1944, No. 58.

SCHEDULE 2 *Article* 8

PART I

PLANNING (NORTHERN IRELAND) ORDER 1972

Certificate under Article 16

Certificate A

I hereby certify that the accompanying application/appeal is made by or on behalf of (*Name of applicant/appellant*) who is in actual possession of every part of the land to which the said application/appeal relates and is entitled to a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remain unexpired in the land.

OR

Certificate B

I hereby certify that the accompanying application/appeal is made by or on behalf of (*Name of applicant/appellant*) who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application/appeal relates and that at the date of the application/appeal—

(*a*) a beneficiary under the trust or settlement is in the actual possession of every part of the land; and

(*b*) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of forty years.

OR

Certificate C

I hereby certify that the requisite notice of the accompanying application/appeal has been given by or on behalf of (*Name of applicant/appellant*) to any person who, at the beginning of the period of 21 days ending with the date of the said application/appeal was, in relation to all or any part of the land affected by the application/appeal—

(*a*) a person then in actual possession;

(*b*) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years;

(*c*) a person (not being a person falling within (*a*) or (*b*)) entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are:—

Name and Address	*Interest*	*Date of Service of Notice*

OR

Certificate D

1. I hereby certify that the person making the accompanying application/appeal—

(*a*) is unable to issue a certificate in accordance with either Article 16(1)(*a*) or (*b*) of the Planning (Northern Ireland) Order 1972;

(*b*) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of Article 16(1)(*c*) of the said Order for the following reasons:—

; and

(*c*) has given the requisite notice of the said application/appeal to the undermentioned persons who, at the beginning of the period of 21 days ending with the date of the said application/appeal, were in the actual possession of any part of the land to which the application/appeal relates, namely:—

Name and Address	*Date of Service of Notice*

2. Notice of the application/appeal has been published in the (*title of newspaper*) on (*date of publication*) and a copy of the newspaper in which the notice appeared is enclosed.

Signature of Applicant or Agent.....

Date.....

PART II

PLANNING (NORTHERN IRELAND) ORDER 1972

Planning Application: Notice under Article 16

[*Notice for service on individuals*]

(*a*) Insert address or location of proposed development

Proposed development at (*a*).....

TAKE NOTICE that application under the Planning (Northern Ireland) Order 1972 is being made to the Ministry of

(*b*) Insert name of applicant.

Development by (*b*)..... for

(*c*) Insert description of proposed development

permission to (*c*).....

If you wish to make representations about the application, you should make them in writing to the Ministry within 14 days from the date of service of this notice.

Signature of Applicant or Agent.....

Date.....

PLANNING (NORTHERN IRELAND) ORDER 1972

Planning Application: Notice under Article 16

[*Notice for publication in local newspaper*]

(*a*) Insert address or location of proposed development

Proposed development at (*a*).....

Notice is hereby given that application under the Planning (Northern Ireland) Order 1972 is being made to the Ministry of Development by

(*b*) Insert name of applicant.

(*b*) ..... for permission to

(*c*) Insert description of proposed development

(*c*).....

Any person having an interest in the land which entitles him to make representations about the proposed development may make such representations in writing to the Ministry within 14 days from the date of publication of this notice.

PART III

PLANNING (NORTHERN IRELAND) ORDER 1972

Planning Appeal: Notice under Article 16

[*Notice for service on individuals*]

(*a*) Insert address or location of proposed development

Proposed development at (*a*).....

TAKE NOTICE that an appeal under the Planning (North-

(*b*) Insert name of appellant

ern Ireland) Order 1972 is being made by (*b*).....

..... against the decision of the Ministry of Development on an application for planning

(*c*) Insert description of proposed development

permission to (*c*).....

.....

If you wish to make representations about the appeal you should make them in writing to the Planning Appeals Commission within 14 days from the date of service of this notice.

Signature of Appellant or Agent.....

Date.....

PLANNING (NORTHERN IRELAND) ORDER 1972

Planning Appeal: Notice under Article 16

[*Notice for publication in local newspaper*]

(*a*) Insert address or location of proposed development

Proposed development at (*a*).....

Notice is hereby given that an appeal under the Planning (Northern Ireland) Order 1972 is being made by.....

(*b*) Insert name of appellant

.....against the decision of the Ministry of Development on an application for planning permission to

(*c*) Insert description of proposed development

(*c*).....

.....

Any person having an interest in the land which entitles him to make representations about the appeal may make such representations in writing to the Planning Appeals Commission within 14 days from the date of publication of this notice.

SCHEDULE 3 *Article* 10

PLANNING (NORTHERN IRELAND) ORDER 1972

NOTICE UNDER ARTICLE 22

Major Planning Application

To: (*Name and address of applicant*)

Nature and location of proposed development:

TAKE NOTICE that the Ministry of Development, in exercise of its powers under Article 22 of the Planning (Northern Ireland) Order 1972, considers that the above development, for which application for planning permission was made on (*date of application*), would, if permitted—

*(*a*) involve a substantial departure from the development plan; or

*(*b*) be of significance to the whole or a substantial part of Northern Ireland; or

*(*c*) affect the whole of a neighbourhood.

The Ministry, therefore, by virtue of this notice, applies the said Article 22 to the said application.

NOTES:

1. Article 22 of the Planning (Northern Ireland) Order 1972 empowers the Ministry of Development to cause a public local inquiry to be held by the Planning Appeals Commission for the purpose of considering representations made in respect of planning applications of major importance. Following consideration of the report of the Commission on the inquiry the Ministry issues its decision, which is final.
2. If a public local inquiry is not held the applicant is notified of the decision which the Ministry proposes to take on his application and is given the opportunity of a hearing before the Planning Appeals Commission before a final decision is issued. Following consideration of the report of the Commission the Ministry issues its final decision.

* *Delete as appropriate.*

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This is a general order, applicable to all land in Northern Ireland, providing for the grant of planning permission for the development of land under Part IV of the Planning (Northern Ireland) Order 1972. The order also specifies certain classes of development which may be carried out without the need to obtain express planning permission.

The approximate imperial equivalents of the metric measurements used in the order are as follows:

1 metre	—	3 feet
2 metres	—	6½ feet
3 metres	—	10 feet
4 metres	—	13 feet
9 metres	—	30 feet
12 metres	—	40 feet
15 metres	—	50 feet
18 metres	—	60 feet
24 metres	—	79 feet
75 metres	—	82 yards
3 kilometres	—	1·9 miles
300 square metres	—	3,230 square feet
30 cubic metres	—	1,060 cubic feet
40 cubic metres	—	1,415 cubic feet
50 cubic metres	—	1,765 cubic feet
115 cubic metres	—	4,060 cubic feet
3,500 litres	—	770 gallons
½ hectare	—	1¼ acres